ANEKS 4 UGOVORA O PODIZVOĐENJU GRAĐEVINSKIH RADOVA / *ANNEX 4 OF THE AGREEMENT ON SUBCONTRACTING CONSTRUCTION WORKS*

ИНГРАП-ОМНИ ДОО
Бр. 1255
28.06. 2024 год.
БЕОГРАД

Zaključen u Beogradu, 28.06.2024 godine između:
Concluded in Belgrade, 28.06.2024 between:

IZVOĐAČ:CHINA CIVIL ENGINEERING CONSTRUCTION CORPORATION BALKAN OGRANAK BEOGRAD, Batajnički drum 3 deo 6A., matični broj: 29507031,pib 109874997,kog zastupa direktor Zhongzheng Chen
CONTRACTOR: CHINA CIVIL ENGINEERING CONSTRUCTION CORPORATION BALKAN BRANCH BELGRADE, *Batajnički drum 3 deo no. 6a, reg. no.: 29507031, TIN 109874997, represented by director Zhongzheng Chen*

PODIZVOĐAČ:DRUŠTVO ZA INŽENJERING, GRAĐEVINARSTVO I PROMET ROBE NA VELIKO I MALO INGRAP-OMNI DOO BEOGRAD, Držićeva 15., matični broj 06950639, pib 101496917, kog zastupa direktor Nataša Đurović
SUBCONTRACTOR: COMPANY FOR ENGINEERING, CONSTRUCTION AND WHOLESALE AND RETAIL TRADE OF GOODS INGRAP-OMNI DOO BELGRADE, *15 Držićeva Str., reg. no. 06950639, TIN 101496917, represented by director Nataša Djurović*

PREAMBULA
Ugovorne strane saglasno konstatuju :

1. Da su 08.04.2022 godine zaključile Ugovor :
   - Naziv Ugovora o podizvođenju građevinskih i radova na izgradnji koloseka (Partija NS-I): Građevinski i radovi na izgradnji koloseka (Partija NS-I) na Projektu modernizacije i rekonstrukcije mađarsko-srpske prekogranične železničke veze na teritoriji Republike Srbije za deonicu Novi Sad-Subotica-Granica (Kelebija).
   - Naziv radova u okviru Ugovora: Radovi u rasponu ukupne dužine: km 77+411,09 do km 112+861, građevinski i radovi na izgradnji koloseka (Partija NS-I) na Projektu modernizacije i rekonstrukcije mađarsko-srpske prekogranične železničke veze na teritoriji Republike Srbije za deonicu Novi Sad-Subotica-Granica (Kelebija).
2. Da je obim radova : Svi građevinski radovi navedeni u Obimu radova sa opisom (eng. WSD), tabeli sa cenama i građevinskim crtežima kao što su podloga, propusti, noseća konstrukcija, ukrštanje koloseka, revizioni otvori, pomoćna konstrukcija za kablove, drenažni sistem pruge, zamena rovova, izmeštanje postojećih instalacija, izrada električnih vodova, izrada signalizacije, izrada komunikacionih instalacija, izmeštanje komunikacija, zvučne barijere i zvučna izolacija, zakopane cevi, otvori i šahtovi, izmeštanje postojećih cevovoda i izgradnja lokalnih puteva, servisnih puteva, kao i demontaža i rekonstrukcija temelja nadzemnog kontaktnog sistema, drugi relevantni radovi u rasponu ukupne dužine (km 77+411,09 do km 112+861).
3. Da je rok izvođenja radova 12 kalendarskih meseci od dana uvođenja u posao .
4. Da je ugovorena cena radova **76.257.795 američkih dolara** (bez poreza) (slovima: SEDAMDESET I ŠEST MILIONA DVE STOTINE PEDESET I SEDAM HILJADA SEDAM STOTINA PET DOLARA)
5. Da je tip Ugovora: Ugovor sa fiksnim paušalnom iznosom
6. Da su 30.12.2022 godine zaključile Aneks 1, kojim je ugovorena cena dodatnih (neugovorenih) radova koji se odnose na radove na arheološkim nalazištima
7. Da su 23.05.2023 godine zaključile Aneks 2 kojim se izuzimaju ugovoreni radovi u iznosu od 23.024,00 dolara, pa nova ugovorena cena po Aneksu 2 iznosi **76.234.771,00 američkih dolara**
8. Da je članom 18.2.2. Ugovora od 08.04.2022 godine predviđeno , između ostalog , i da ako je povećanje ili smanjenje troškova uzrokovano nepredvidivim promenama spoljnih uslova, i ako naknade za potraživanja ispunjavaju uslove za usklađivanje cene iz Komercijalnog ugovora, Ugovorna cena se može uskladiti u skladu sa tim, nakon

pregovora između obe strane nakon dobijanja saglasnosti Investitora i Generalnog Izvođača.

9. Da je Podizvođač dana 02.02.2024 godine Izvođaču dostavio korigovanu ponudu koja se odnosi na razliku u ceni za jedanaest saobraćajnica sa prilogom -rekapitulacija u iznosu od 2.497.679,31 dolara , broj korigovane ponude 181 od 02.02.2024 godine koju je Izvođač prihvatio, pa je 01.03.2024 godine zaključen Aneksa 3 kojim je ugovorena cena uvećana i iznosi **77.334.902,77 američkih dolara (bez poreza).**
10. Da je , usled novog tehničkog rešenja za odvodnjavanje galerije na km 81+ 284 i donjeg stroja na delu Somborskog koloseka , Podizvođač 08.11.2023 godine dostavio ponudu za dodatne radove u iznosu od 330.435,08 američkih dolara (bez poreza) koja je prihvaćena pa se pristupa zaključenju Aneksa 4.

PREAMBLE

The contracting parties hereby agree as follows:

1. *That on 08.04.2022 they concluded the Agreement:*
   - *Name of the Agreement on Subcontracting Construction and Railway Track Construction Works (Part NS-I): Construction and railway track construction works (Part NS-I) on the Project of modernization and reconstruction of the Hungarian-Serbian cross – border railway connection on the territory of the Republic of Serbia, for the section Novi Sad – Subotica – border (Kelebija).*
   - *Name of works within the Agreement: Works in the range of total length: km 77+411.09 to km 112+861, construction and track construction works (Part NS-I) on the Project of modernization and reconstruction of the Hungarian – Serbian cross-border railway connection on the territory of the Republic of Serbia for the section Novi Sad – Subotica – Border (Kelebija).*
2. *That the scope of work is: All construction works listed in the Scope of Works with description (eng. WSD), price table and construction drawings such as subgrade, culverts, supporting structure, track crossing, inspection openings, auxiliary structure for cables, drainage system of the track, replacement of trenches, relocation of existing installations, construction of electrical lines, construction of signaling, construction of communication installations, relocation of communications, sound barriers and sound insulation, buried pipes, openings and shafts, relocation of existing pipelines and construction of local roads, service roads, as well as dismantling and reconstruction of the foundations of the overhead contact system, other relevant works in the range of the total length (km 77+411.09 to km 112+861).*
3. *That the term of performance of the works is 12 calendar months from the day of introduction into the work.*
4. *That the contracted price of the works is **76,257,795 US dollars (excluding tax)** (in letters: SEVENTY-SIX MILLION TWO HUNDRED FIFTY SEVEN THOUSAND SEVEN HUNDRED FIVE DOLLARS)*
5. *That the type of Contract is: Agreement with a fixed lump sum.*
6. *That on December 30, 2022, they concluded Annex 1, which agreed the price of additional (non-contractual) works related to works on archaeological sites.*
7. *That on May 23, 2023, they concluded Annex 2, which excludes contracted works in the amount of 23,024.00 dollars, so the new contracted price according to Annex 2 is **76,234,771.00 US dollars.***
8. *That Article 18.2.2. The Agreement dated 08.04.2022, provides, among other things, that if the increase or decrease in costs is caused by unpredictable changes in external conditions, and if the claims fees meet the conditions for price adjustment from the Commercial Agreement, the Contract price can be adjusted accordingly, after negotiations between both parties after obtaining the consent of the Investor and the General Contractor.*
9. *That on February 2, 2024, the Subcontractor submitted to the Contractor a corrected offer that refers to the price difference for eleven roads with an attachment - recapitulation in the amount of 2,497,679.31 dollars, corrected offer number 181 of February 2, 2024, which the Contractor accepted, so on March 1, 2024, Annex 3 was concluded, which increased the contracted price to 77,334,902.77 USD (without tax).*
10. *That, due to the new technical solution for dewatering of the gallery at km 81+284 and the subgrade on part of the Sombor track, the Subcontractor submitted an offer for additional*

works in the amount of 330,435.08 USD(excluding tax) on 08.11.2023, which was accepted so the conclusion of Annex 4 is approached.

Član 1.

Ugovorne strane saglasno konstatuju da nova ugovorena cena, a nakon prihvatanja Ponude od 08.11.2023 godine za dodatne radove na odvodnjavanju galerije na km 81+ 284 i donjeg stroja na delu Somborskog koloseka iznosi :

77.665.337,85 AMERIČKIH DOLARA (BEZ POREZA).

Article 1.

The contracting parties agree that the new agreed price, after acceptance of the Offer dated November 8, 2023, for additional works on the drainage of the gallery at km 81+284 and the undercarriage on the part of the Sombor track, amounts to:
77,665,337.85 US DOLLARS (EXCLUDING TAX).

Član 2.

Ugovorne strane saglasno konstatuju da će ugovorena cena biti plaćena od strane Izvođača u skladu sa Ugovorom od 08.04.2022 godine.

Article 2.

The contracting parties agree that the agreed price will be paid by the Contractor in accordance with the Contract dated April 8, 2022.

Član 3.

Aneks 4 je sačinjen u 4 (četiri) istovetna primerka, za svaku ugovornu stranu po 2 (dva) primerka.

Article 3.

Annex 4 is made in 4 (four) identical copies, 2 (two) copies for each contracting party.

Izvođač / Contractor:
CHINA CIVIL ENGINEERING CONSTRUCTION CORPORATION BALKAN Ogranak Beograd

Podizvođač / Subcontractor:
Društvo za inženjering, građevinarstvo i promet robe na veliko i malo INGRAP – OMNI d.o.o.